

REMARKS

Claims 1-36 are pending in the present application. In the Office Action dated July 17, 2003, Claims 1-2, 6-11, 15-20, 24-29 and 33-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pearson* (U.S. Patent Application Pub. No. 2003/0061191) in view of *Larsen* (U.S. Patent Application Pub. No. 2003/0055850). Claims 3, 12, 21, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pearson* in view of *Larsen*, as applied to claims 1-2, 6-11, 15-20, 24-29, and 33-36 above, and further in view of *Geil* (U.S. Patent No. 3,662,400). Claims 4-5, 13-14, 22-23 and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pearson* in view of *Larsen*, as applied to claims 1-2, 6-11, 15-20, 24-29, and 33-36 above, and further in view of *Blais et al.* (U.S. Patent Application Pub. No. 2002/0178437). Applicants respectfully traverse the rejections of all pending claims. Applicants respectfully submit that the cited references *Pearson* and *Larsen* relied upon in the Office Action dated July 17, 2003 do not meet the requirements of references under 35 U.S.C. § 103(a) at least because the filing dates of those cited patent application references are not before the earliest priority date of the pending claims, as disclosed in the present patent application.

35 U.S.C § 103(a) states a “patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title . . .” 35 U.S.C. § 102(e)(1) states a “person shall be entitled to a patent unless . . . the invention was described in an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent . . .”


The Examiner stated that all pending claims were unpatentable under 35 U.S.C. 103(a) over *Pearson* in view of *Larsen*. The filing dates of the *Pearson* and *Larsen* references are

September 21, 2001 and September 25, 2001, respectively. The present patent application claims priority to U.S. Provisional Patent Application No. 60/296,814, filed on June 7, 2001 (Application, p.2, ll. 8-9). Under 35 U.S.C. § 119(e)(1), the priority date for the present application is June 7, 2001, prior to the filing of *Pearson* and *Larsen*. As a result, neither *Pearson* nor *Larsen* satisfy the statutory requirement of "an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent," and Applicants respectfully submit that the rejection of the pending claims should be withdrawn.

In view of the foregoing comments, Applicants respectfully submit that the application is in condition for allowance and respectfully request the timely allowance of the pending claims.

Respectfully submitted,

Dated: October 16, 2003

By: 
Marina N. Saito
Registration No. 42,121
SONNENSCHN NATH & ROSENTHAL
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000